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**PDF PAGE 4, COLUMNS 1 &  
7**

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**PDF PAGE 4, COLUMN 1**

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**DORSEY DEFENDS CONLEY  
TESTIMONY**

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**PDF PAGE 4, COLUMN 7**

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**NEGRO'S  
STATEMENT  
LEGAL  
EVIDENCE, HE**

# SAYS; STATE CLOSES

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Making a determined stand in behalf of the admissibility bearing on that part of Jim Conley's testimony which had to do with Leo Frank's moral conduct, Solicitor Dorsey Tuesday afternoon neared the close of his argument in opposition to the motion for a new trial made by Frank's lawyers.

The Solicitor read numerous legal citations which enumerated cases where evidence of this nature had been admitted to show the likelihood of the defendant's guilt in respect to the charge for which he was on trial.

Mr. Dorsey touched briefly on Judge Roan's failure to charge the jury with the amount of credibility which might be given Conley's testimony, in view of the negro's admission that he repeatedly had sworn falsely. He read the law to show that the mere failure of Judge Roan to make the impeachment charge, in the absence of a request by the defense, was not at all a sufficient ground for a new trial.

Dorsey closed his argument at 4:55 and the State's case rested.

Solicitor Dorsey startled the court by the declaration that if Judge Roan reversed the Frank verdict on the grounds of prejudice or bias, that Henslee and Johanning, the jurors accused of unfairness, should be given maximum sentences in the penitentiary.

"They deserve no better fate if it is true that their minds were warped with prejudice," declared the Solicitor. "But no except my friends on the other side who are grasping at straws

believe these charges on which Mr. Arnold dilated in three days of delirious rambling.”

“Henslee is unimpeached; Johenning is unimpeached. I do not believe that there is a man in Georgia from the Governor down who is a more conscientious and upright citizen than Johenning.”

Dorsey continued his assault throughout the day on what he appeared to regard as the most important stronghold of the defense, the alleged bias of the two jurors. In emphatic language he told the court that there was not a ground in the entire motion for a new trial that had a semblance of merit.

“The truth is, your honor,” he said, “that they haven’t any defense in this case, and haven’t a tenable ground for this motion. They are beating aimlessly around like a man snipe-hunting, hoping against hope that something will fly into their net.”

### **Dorsey to Finish Wednesday.**

“If your honor adopts the policy of taking the word of irresponsible persons against that of a man like Henslee or Johenning, you are taking every protection away from the State and making it easy for red-handed murderers to go free.”

“The people were not aroused against Leo M. Frank because he is a Jew,” the Solicitor said, “but because he is a criminal. In the name of the Gentiles of Atlanta, in the name of a community which the learned counsel for the defense declares was ‘carried away with malice and a thirst for blood,’ I challenge anyone to show me where anyone cried, ‘Hang Frank! Lynch him!’ or made any remark that could be taken as an expression of personal hatred. The counsel for the defense when they charge the jury with a display of ‘mob spirit,’ are not making personal accusations against any of these men. They are slandering the citizenship of the community.”

### **As to Cheers for Dorsey.**

“It is true that the people in the streets did holler for me, but that shows nothing. Because the people, for some reason or other, saw fit to cheer for me, the counsel for the defense has chosen to warp it and construe it into a demonstration against Frank.”

They might as well contend that when some people applaud the hero in a melodrama, and hiss the villain, that they are applauding the man and not the part; that they are hissing the man and not the part. The people have a right to come to the courthouse: they have a right to cheer whom they please. If they want to cry that cheering for your me in persecution of Frank because he is a Jew, let them do it.

“Their changes are an attack upon your honor (Judge Roan) as much as they are an attack upon me and the members of the jury. They combatted your rulings all during the trial. They said they would move for a mistrial, and they did. And your honor overruled them. Your honor was sworn to give Leo Frank as impartial trial, and yet on every point up jumped Rube Arnold, like a chattering jack-in-the-box, like someone was working him on a string. A. H. Henslee, your honor, was not attacked more as a man than your honor was as a judge.”

### **Discusses Henslee Affidavit.**

The Solicitor read and discussed in detail the affidavit of A. H. Henslee, the juror around whom the fight for a new trial has centered, which has appeared in print many times. He called attention to the fact that Henslee denies specifically every instance in the affidavits charging him with prejudice and bias, where he is quoted as expressing an opinion as to the guilt of Frank.

### **Didn't Hear Cheering.**

Solicitor Dorsey also dwelt for a considerable length of time on the affidavits of Henslee and the other jurors that they had not, during the trial, heard any of the cheering, except what was heard in open court and which was instantly reproved by Judge

Roan. He declared also that at no time during the trial did any member of the jury betray an undue interest for or against Frank, and declared that he challenged Frank's attorneys to cite an instance where such an occurrence took place.

"It is highly improbable," the Solicitor declared, "that this controversy could have happened at the Elks' Club, granting that it could actually have happened at all, because the Elks' Club has more Jewish members than any club in the city, with the exception of the solely Hebrew clubs. And surely Henslee has enough refinement of character to keep to himself whatever opinion he might have of a certain race."

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## **PDF PAGE 5, COLUMNS 1 & 7**

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**PDF PAGE 5, COLUMN 1**  
**ROSSER BEGINS FINAL**  
**FRANK PLEA**

**PDF PAGE 5, COLUMN 7**

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**DEFENSE**  
**ATTORNEY IS**

# UNSPARING IN ATTACKS ON DORSEY AND POLICE

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Final argument in behalf of a new trial for Leo M. Frank was begun Wednesday in the library of the State Capitol by Luther Z. Rosser, chief of counsel for the convicted man.

He intimated before he started his address that he was going to handle with rough hands the manner in which Solicitor Dorsey and the detectives had conducted the Phagan murder investigation and he had not proceeded far before he had made good his threat.

"If the Solicitor thinks that I am going to pass over his illegal and unfair conduct without comment, he is greatly mistaken," said Rosser. "if he imagines that he can violate the law which he is sworn to enforce and support and then escape without criticism from me, he has failed utterly to appreciate my standpoint in the matter."

"I don't intend to be offensive. I don't propose to criticize unjustly, but where the interests of this man at the Tower have been jeopardized by the unfair conduct of the Solicitor I certainly would not be serving him to the best of my ability if I ignored this feature of the case."

Rosser's introductory remarks were called forth by the severe structures that Solicitor Dorsey in the closing of his address to the

court laid upon Attorney Reuben Arnold, who had preceded him and roundly had denounced the Solicitor and their detectives working with him.

### **Attacks Arnold Only.**

"I am going to assume," said the Solicitor, "that Mr. Rosser does not propose to make such an unjust attack upon me, and therefore, I will confine my remarks to Mr. Arnold."

"You needn't assume anything of the kind," interrupted Rosser. "You don't imagine that I am going to be bound by your assumptions, do you? I shall find occasion to criticize your illegal and unfair acts and I am willing to announce that at this time."

"Go ahead and say anything you wish; it doesn't make any difference to me," retorted the Solicitor, and turned his attention to the remarks which Attorney Arnold had made in the course of his argument."

"Through Mr. Arnold," he said, "the defendant in this case has charged us with all kinds of crimes and treasons. I suggest that Mr. Arnold rid from his mind and heart all of this miasma and putrefaction with which his thoughts evidently are afflicted. He can not be content with any mild remedial measure. His condition will require the most drastic treatment."

"If he will purge himself of some of the unjust suspicions, he has expressed he may regain much of the disinterestedness that goes with a proper perspective. He will regain the esteem of highly abused and much maligned public whom he has vilified without measure. Neither his whine nor his snort ever will do it. The public he has maligned knows well enough whether it is the prosecution or the defense that is clean."

"It is monstrous to assume that old John Starnes is corrupt and a cold-blooded headhunter. 'Tis monstrous to assume that Pat Campbell and all the other detectives who worked on the case are corrupt; that all of us are corrupt and merely seeking to convict Frank because of our personal ambitions; that your honor

has lost his head; that I have lost mine and that we are simply sending this man to the gallows irrespective of his guilt.”

### **Jurors Are Defended.**

“If Mr. Arnold will exercise a little abstinence from the money of Frank’s ‘poor Brooklyn relatives,’ it may prove a good step toward gaining his erstwhile composure.”

The Solicitor devoted practically the entire day to a defense of A. H. Henslee and Marcellus Jochenning, the jurors charged by the defense with entertaining bias and prejudice toward the defendant before they were selected to sit on the jury. Dorsey described this accusation against Henslee and Jochenning as the only new phase which had arisen since the trial and, consequently, the only one which deserved any extended discussion, all the others had been settled once and for all when the evidence was offered and accepted and the jury returned its verdict of guilty.

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**PDF PAGE 6, COLUMNS 1 &  
7**

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**PDF PAGE 6, COLUMN 1**

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**ROSSER HAMMERS AT  
DORSEY**

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**PDF PAGE 6, COLUMN 7**

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# **SOLICITOR CRINGED AS MOB HOWLED FOR LIFE, SAYS FRANK'S LAWYER**

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Thundering forth invective upon invective against Solicitor Dorsey and his conduct of the prosecution of Leo M. Frank, Luther Z. Rosser, Frank's ponderous and pugnacious chief counsel, made an eloquent and impassioned plea for a new trial in the closing argument before Judge L. S. Roan Wednesday.

The little room of the library in the State capitol rung and resounded with his massive voice in its denunciation. From time to time, he varied his sledge-hammer attacks upon the Solicitor with sharp thrusts of sarcasm, bitter irony and flashes of wit. Classical illusions crept into the rough arguments and lightened and illumined them impressively.

Rosser graphically pictured the Solicitor as cringing and bowing and scraping to the mob that was crying for the blood of Frank. He charged Dorsey with making malicious and totally unwarranted statements and insinuations against the defendant

unwarranted statements and insinuations against the defendant and his friends. In his picturesque verbiage, he repeated all the accusations of illegal procedure that previously had been made by Attorney Arnold.

The lawyer's address was prefaced by an emphatic denial that any "slush fund" had existed for Frank's defense.

"My friend Dorsey's words were charged with dirty insinuations that such a fund had been collected," said Rosser. "He sneered at this mythical fund and the effort to lead the jury to believe that huge amounts had been gathered to save Frank from the gallows."

### **No Evidence of Fund.**

"Much was said about the purchasing power of money without one line of evidence in support. All these statements were utterly, miserably and pitiably false."

"I do not regret that I am in this case. I never have regretted it. It has had its hardships, its heart-burnings and its drawbacks, but I do not regret that I am here."

"But so far from hordes of money coming from the four winds of the heavens, I assert that Mr. Arnold and myself are poorer-today because we ever heard of this case. For six long months it has absorbed our life and our time, I'll open my books to any honest, decent man to show that this case has been a financial loss to me."

"My friend Dorsey asserted—and it was so strange a thing to do—that Mr. Arnold had attacked the whole public of Atlanta. Is that what Dorsey meant? If so, it was not true. Did he mean that Arnold criticized that mob that howled about the courthouse on that last day of the trial? If so, then make the most of it!"

"Did he mean that mob that he so cringingly represented? Then thank God that I don't represent them."

### **Crowd Not Representative.**

“There were some people there, but they were not the people, not the public. Those people were screaming with delight and gratification because they thought the blood of a human being was to be shed. Is that ‘the people’ my friend Dorsey so bows to?”

“When the question was up as to whether the revolting testimony of Jim Conley was to be admitted and when your honor permitted the filth to be poured into the record, there were some people who cheered and cheered that this filth was to cover the young man in the prisoner’s chair. Is that the crowd that Dorsey so worships—as every politician worships, I reckon.”

“I say this: If Dorsey approves of all this—and he’s my officer as well as yours—then he isn’t fit for his job.”

### **Praises Frank’s Character.**

Rosser reiterated his belief in Frank’s innocence and said that he was as decent a man as the Solicitor ever was or as he himself and Arnold were.

“Through Mr. Arnold,” said Solicitor Dorsey in his closing speech, “the defendant in this case has charged us with all kinds of crimes and treasons. I suggest that Mr. Arnold rid from his mind and heart all of this miasma and putrefaction with which his thoughts evidently are afflicted. He can not be content with any mild remedial measure. His condition will require the most drastic treatment.”

“If he will purge himself of some of the unjust suspicions he has expressed he may regain much of the disinterestedness that goes with a proper perspective. He will regain the esteem of a highly abused and much maligned public whom he has vilified without measure. Neither his whine nor his snort ever will do it. The public he has maligned knows well enough whether it is the prosecution or the defense that is clean.”

“It is monstrous to assume that old John Starnes is corrupt and a coldblooded headhunter. It is monstrous to assume that Pat

Campbell and all the other detectives who worked on the case are corrupt; that all of us are corrupt and merely seeking to convict Frank because of our personal ambitions; that your honor has lost his head; that I have lost mine and that we are simply sending this man to the gallows irrespective of his guilt.”

### **Jurors Are Defended.**

“If Mr. Arnold will exercise a little abstinence from the money of Frank’s ‘poor Brooklyn relatives,’ it may prove a good step toward gaining his erstwhile composure.”

The Solicitor devoted practically the entire day to a defense of A. H. Henslee and Marcellus Jochenning, the jurors charged by the defense with entertaining bias and prejudice toward the defendant before they were selected to sit on the jury. Dorsey described this accusation against Henslee and Jochenning as the only new phase which had arisen since the trial and, consequently, the only one which deserved any extended discussion, as all the others had been settled once and for all when the evidence was offered and accepted and the jury returned its verdict of guilty.

He made vigorous attacks on affiants who swore against the jurors, and ridiculed the idea that either of them had possessed any deep-seated prejudice before the trial. The Solicitor doubted that they had made the remarks credited to them, but read law citations to show that even if they had, the fact did not furnish sufficient ground on which to upset the verdict of the jury.

Dorsey also defended Jim Conley’s testimony on Frank’s alleged conduct with women as perfectly admissible, again citing cases in which evidence of one crime had been admitted in the record for the purpose of establishing the probability that the defendant was guilty of the crime for which he was on trial.

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**PDF PAGE 7, COLUMNS 1 &  
8**

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**PDF PAGE 7, COLUMN 1**

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**ROSSER BITTER IN CLOSING  
FRANK PLEA**

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*Judge to Reserve His Decision as to  
New Trial*

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**PDF PAGE 7, COLUMN 8**

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# **SOLICITO R IN FIERY APPEAL**

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**Frank's Leading  
Counsel Accuses**

# **Dorsey of Cringing Before Howls of Mob.**

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Luther Z. Rosser hurled broadside after broadside Wednesday at Solicitor Dorsey in an effort to break down and destroy every vestige of the State's opposition to a new trial for Leo M. Frank.

He was expected to conclude early in the afternoon, when the case would rest with Judge L. S. Roan for decision. Judge Roan said he probably would reserve his decision until Thursday or Friday.

Here are a few of the charges with which he assailed the State's attorney:

He described the Solicitor as reeking with unfounded suspicion and malevolence against Frank throughout the investigation.

He represented the Solicitor's insinuations of perjury against Miss Helen Kern, on the defense's witnesses, as the dirtiest and most contemptible piece of work he ever had encountered.

He charged that the Solicitor and the detectives either had locked up persons until they told the story the State wanted or else they branded them as perjurers on the stand.

He pictured Solicitor Dorsey as cringing, bowing and scraping to the mobs that howled for the blood of Frank.

He told the court that Dorsey poisoned and corrupted the minds of the jurors by unfounded insinuations, by extorted affidavits, by statements for which there was not a shadow of

warrant in the evidence and by holding the fear of the mob before their eyes.

He characterized the imprisonment of Minola McKnight until she told the story the detectives wanted as the most outrageous violation of law on the part of the officers of the law that he ever had witnessed, and asserted that Detective John Starnes himself would have been locked up for his participation in the incident.

### **Scoffs Slush Fund.**

He described the insinuations of Dorsey that there had been a "slush fund" for the defense of Frank as a miserable, pitiable and utterly unwarranted falsehood, the fact being that both he and Attorney Arnold were poorer to-day for having ever heard of the Frank case.

He alleged that the Solicitor had moved the jurors by vilification of Frank, vilification of Frank's mother and his wife, and by branding everyone as dishonest and a perjurer except the witnesses for the State.

He said that Dorsey was "daffy," or that his "intelligence was sleeping," if he was sincere in his declaration to the court that Frank had no defense, and that there was not a ground for a new trial.

He picked out what he regarded as the vulnerable points in the depositions of A. H. Henslee and Marcellus Jochenning, and ridiculing them

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**PDF PAGE 13, COLUMN 1**

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**ROSSER, DENYING  
SLUSH**



# **FUND, DECLARES FRANK'S CASE COST HIM MONEY**

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**Continued From Page 1.**

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with a torrent of biting sarcasm, declared that their inconsistencies and evident falsities “stunk to high heaven.”

He introduced his throughgoing attack upon the Solicitor by the declaration that he still believed implicitly in the innocence of Leo Frank.

“As God is in the heavens above!” he exclaimed dramatically, “I believe that in yonder cell rests an innocent man—as decent a man as my friend Dorsey ever was; as decent a man as I am; as decent a man as Arnold is. If I had a hint of a doubt about it I’d take that brief book of mine and I’d depart forever out of this case.”

## **Smiles Are Forceful.**

Rosser talked to the blunt, sometimes rough, language that has made his peculiar type of eloquence a byword of the Atlanta bar. He frequently used similes and metaphors that would not look well in print. They were, however, always forceful and apt.

“The people whom Mr. Dorsey was representing at the trial, your honor,” he shouted at one point in his address, “were the ones who cheered and cheered in the courtroom at every indication that the State was approaching its goal—the hanging of

that young man in the prisoner's box. They cheered when the filthy testimony oozed from that lousy nigger and your honor felt that you must let it pour over Leo Frank, although he was accused of a crime with which this testimony had nothing to do."

"But they were not the people, your honor. They were the scattered remnants of the people; they were the scum, and I thank God that they were not the people just as I thank God that the methods used in this case are not the usual methods and are not the methods ever used before, and, let us hope, are not the methods that ever will be used again."

"Let us pray that never again will witnesses be locked up until they are ready to tell the lies that are wanted. If these people of whom I have spoken are Dorsey's public, before whom he cringes and bows, then he can take 'em. That these are the real people, however, I dispute. That the people of Atlanta would meet together in wild huzzas that the life of a fellow being was to be taken by the State I also dispute. These were not the people."

### **Commiserates With Dorsey.**

"I am not mad at my friend Dorsey. I commiserate with him. I am sorry for him. I state boldly that I'm sorry for him. Mr. Arnold seemed to have an idea that the instincts of a politician had a premature and an abnormal growth in the person of Dorsey. I'm not sure, but I'm inclined to agree that he might have got the idea that the huzzas were the huzzas of the people, and that he should bow to the will of this detached mob."

"He has treated the case extravagantly and illogically all the way through. Innocent and trivial transactions have aroused in his mind mountains of suspicion and malevolence. There never was a dead shoat so full of maggots as is Dorsey full of words. He defended that man Henslee with words—with five and a half hours of words that proved nothing when they all were said, except that Henslee most certainly needed a defense."

Rosser paid a great deal of attention to the charges of prejudice against Henslee and Johenning, and represented to the court that the charges had been sustained incontrovertibly.

A “peace conference” between Reuben Arnold and Solicitor Dorsey was the only sign of amity during the hearing. The Solicitor took occasion to deny that he had charged Arnold with deliberate falsehood, as he had been quoted, and Arnold replied that he had taken no umbrage at the published report as he took it for granted that the Solicitor had been misinterpreted.

“My friend Dorsey’s words were charged with dirty insinuations that a slush fund had been collected,” said Rosser. “He sneered at this mythical fund and the effort to lead the jury to believe that huge amounts had been gathered to save Frank from the gallows.”

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**PDF PAGE 8, COLUMNS 1 &  
8**

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**PDF PAGE 8, COLUMN 1**

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**CONLEY EVIDENCE FLAYED IN  
CLOSING PLEA**

**PDF PAGE 8, COLUMN 8**

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SHIFT  
IS**

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## **Frank's Leading Counsel Accuses**

## **Dorsey of Cringing Before**

## **Howls of Mob.**

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A sudden shift in the line of attack upon the State's opposition to a new trial for Leo M. Frank was made Wednesday afternoon by Luther Z. Rosser, chief of counsel for Frank, who centered his heaviest fire upon the perversion testimony of Jim Conley, the State's star witness. Mr. Rosser was expected to close

his speech at the afternoon session, and Judge Roan will take the case under advisement.

Rosser declared the allegations of perversion against Frank, and they alone, had tried and convicted the man.

“You might as well have put the brand of Cain upon his forehead as to have introduced that revolting and maliciously false testimony,” he shouted at Solicitor Dorsey. “You destroyed his life the instant you brought that in. There is no doubt about that.”

“Degeneracy is the matrix of all crimes. Once establish that and there comes out a troupe of other crimes. Once put in the minds of a jury the belief that a person is a degenerate and they will be willing to believe that he is guilty of murder or any other crime in the calendar, even though they had not introduced a scintilla of evidence against him.”

### **Calls Conley Monster.**

“No stranger phenomenon ever occurred in the realm of metaphysics than the one which took place down there in that courtroom when that dirty monster, Conley, poured forth his filthy tale of perversion. There was left in the minds of the jurors no room for any thought that Frank might be innocent of murder charged against him. It damned him instantly. It destroyed his every chance of a fair trial and the shadow of the gallows fell at once in that courtroom.”

He described the Solicitor as reeking with unfounded suspicion and malevolence against Frank throughout the investigation.

### **Scores Dorsey's Methods.**

He represented the Solicitor's insinuations of perjury against Miss Helen Kern, on the defense's witnesses, as the dirtiest and most contemptible piece of work he ever had encountered.

He charged that the Solicitor and the detectives either had locked up persons until they told the story the State wanted or else they branded them as perjurers on the stand.

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**PDF PAGE 14, COLUMN 1**

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**ROSSER, DENYING  
SLUSH**

**FUND, DECLARES  
FRANK'S**

**CASE COST HIM  
MONEY**

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### **Continued From Page 1.**

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people of whom I have spoken are Dorsey's public, before whom he cringes and bows, then he can take 'em. That these are the real people, however, I dispute. That the people of Atlanta would meet together in wild huzzas that the life of a fellow being was to be taken by the State I also dispute. These were not the people."

### **Commiserates With Dorsey.**

"I am not mad at my friend Dorsey: I commiserate with him. I am sorry for him. I state boldly that I'm sorry for him. Mr. Arnold seemed to have an idea that instincts of a politician had a premature and an abnormal growth in the person of Dorsey. I'm not sure, but I'm inclined to agree that he might have got the idea that the huzzas were the huzzas of the people and that he should bow to the will of this detached mob."

"He has treated the case extravagantly and illogically all the way through. Innocent and trivial transactions have aroused in his mind mounting of suspicion and malevolence. There never was a dead shoat so full of maggots as is Dorsey full of words. He defended that man Henslee with words—with five and a half hours of words that proved nothing when they all were said, except that Henslee most certainly needed a defense."

Rosser paid a great deal of attention to the charges of prejudice against Henslee and Johenning, and represented to the court that the charges had been sustained uncontrovertibly.

A "peace conference" between Reuben Arnold and Solicitor Dorsey was the only sign of amity during the hearing. The Solicitor took occasion to deny that he had charged Arnold with deliberate falsehood, as he had been quoted, and Arnold replied that he had taken no umbrage at the published report as he took it for granted that the Solicitor had been misinterpreted.

"My friend Dorsey's words were charged with dirty insinuations that a slush fund had been collected," said Rosser. "He sneered at this mythical fund and the effort to lead the jury to

believe that huge amounts had been gathered to save Frank from the gallows.”

### **No Evidence of Fund.**

“Much was said about the purchasing power of money without one line of evidence in support. All these statements were utterly miserably and pitifully false.”

“I do not regret that I am in this case. I never have regretted it. It has had its hardships, its heartburnings and its drawbacks, but I do not regret that I am here.”

“But so far from hordes of money coming from the four winds of the heavens, I assert that Mr. Arnold and myself are poorer to-day because we ever heard of this case. For six long months it has absorbed our life and our time. I’ll open my books to any honest, decent man to show that this case has been a financial loss to me.”

“My friend Dorsey asserted—and it was so strange a thing to do—that Mr. Arnold had attacked the whole public of Atlanta. Is that what Dorsey meant? If so, it was not true. Did he mean that Arnold criticized that mob that howled about the courthouse on that last day of the trial? If so, then make the most of it!”

“Did he mean that mob that he so cringingly represented? Then thank God that I don’t represent them.”

### **Crowd Not Representative.**

“There were some people there, but they were not the people, not the public. Those people there were screaming with delight and gratification because they thought the blood of a human being was to be shed. Is that ‘the people’ my friend Dorsey so bows to?”

“When the question was up as to whether the revolting testimony of Jim Conley was to be admitted and when your honor permitted the filth to be poured into the record, there were some people who cheered and cheered that this filth was to cover the

young man in the prisoner's chair. Is that the crowd that Dorsey so worships—as every politician worships, I reckon.”

“I say this: If Dorsey approves of all this—and he's my officer as well as yours—then he isn't fit for his job.”

### **Praises Frank's Character.**

Rosser reiterates his belief in Frank's innocence and said that he was as decent a man as the Solicitor ever was or as he himself and Arnold were.

“Through Mr. Arnold,” said Solicitor Dorsey in his closing speech, “the defendant in this case has charged us with all kinds of crimes and treasons. I suggest that Mr. Arnold rid from his mind and heart all of this miasma and putrefaction with which his thoughts evidently are afflicted. He can not be content with any mild remedial measure. His condition will require the most drastic treatment.”

“If he will purge himself of some of the unjust suspicions he has expressed he may regain much of the disinterestedness that goes with a proper perspective. He will regain the esteem of a highly abused and much maligned public whom he has vilified without measure. Neither his whine nor his snort ever will do it. The public he has maligned knows well enough whether it is the prosecution or the defense that is clean.”

“It is monstrous to assume that old John Starnes is corrupt and a cold-blooded headhunter. It is monstrous to assume that Pat Campbell and all the other detectives who worked on the case are corrupt; that all of us are corrupt and merely seeking to convict Frank because of our personal ambitions; that your honor has lost his head; that I have lost mine and that we are simply sending this man to the gallows irrespective of his guilt.”

### **Jurors Are Defended.**

“If Mr. Arnold will exercise a little abstinence from the money of Frank's ‘poor Brooklyn relatives,’ it may prove a good step toward gaining his erst while composure.”

The Solicitor devoted practically the entire day to a defense of A. H. Henslee and Marcellus Jochenning, the jurors charged by the defense with entertaining bias and prejudice toward the defendant before they were selected to sit on the jury. Dorsey described his accusation against Henslee and Jochenning as the only new phase which had arisen since the trial and, consequently, the only one which deserved any extended discussion, as well the others had been had been settled once and for all when the evidence was offered and accepted and the jury returned its verdict of guilty.

He made vigorous attacks on affiants who swore against the jurors, and ridiculed the idea that either of them had possessed any deep-seated prejudice before the trial. The Solicitor doubted that they had made the remarks credited to them, but read law citations to show that even if they had, the fact did not furnish sufficient ground on which to upset the verdict of the jury.

Dorsey also defended Jim Conley's testimony on Frank's alleged conduct with women as perfectly admissible, again citing cases in which evidence of one crime had been admitted in the record for the purpose of establishing the probability that the defendant was guilty of the crime for which he was on trial.

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**PDF PAGE 13, COLUMN 4**

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# **GRAND JUROR HAS TALK**



# **WITH FRANK; CONVINCED HE IS NOT DEGENERATE**

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The first intimate glimpse of the prison life of Leo M. Frank, convicted and sentenced to hang for the murder of Mary Phagan, was given to The Georgian Wednesday by C. L. Elyea, president of the Elyea-Austell Company, prominent business man and member of the Fulton County Grand Jury that was recently asked to indict Jim Conley as an accessory after the fact of the murder.

While voicing his reluctance to inject his personal beliefs and opinions in the case, Mr. Elyea declared positively that after talking with Frank for nearly two hours, he is firmly convinced that the young factory superintendent has been terribly slandered by the attacks that have been made upon his moral character; that the charges of perversion and degeneracy are utterly untrue and that Frank is incapable of the deeds that he is said to have committed.

"I have no hesitation," said Mr. Elyea, "in saying that Leo M. Frank is, in my opinion, as moral a man, and a man with as much strength of character, as there is in the city of Atlanta. No man can talk with him as I did, for an hour and a half, without becoming convinced that the charges of perversion made against him form the most terrible slander ever uttered against a white man. Frank could not be the man he has been painted. He looks you in the eye and talks with a forcefulness and clearness that

would not be possible were he the degenerate he has been painted.”

### **Made No Preparation.**

‘Mr. Elyea’s conversation with Frank as held at a time when the convicted man was not expecting callers; when he had no time to prepare a set prison speech, and when he had nothing to gain by talking, and Mr. Elyea declared that every word he uttered came from his heart.

“I was struck with the attitude of the man,” Mr. Elyea said, “and decided to talk with him. When I entered his apartment I was greeted by an open-faced, perfectly frank individual, whose personality I believe could impress anyone favorably. I am free to confess that I was influenced by the newspaper reports to believe him to be degenerate of the worst type, but I can not believe, after spending an hour and a half in his presence, that he is the man he has been pictured to the public.”

“He talked freely of his case, and impressed me most favorably with his candor and open-hearted manner. I do not believe it possible for anyone who had actually committed such a crime as has been charged with him to conduct himself as Frank conducted himself, with a naturalness that does not seem possible to be affected. He looks you straight in the face, and especially impresses one with his personality.”

### **Public Convinced of Guilt.**

“The public was believed that Frank is living in luxury at the jail, which is a mistake. He occupies a cell in one wing of the jail, and is absolutely isolated from anyone. His only especial comfort is a small single iron bed in the center of his cell.”

“I believe the public will realize that he has not had the consideration that should be accorded him. There has always been prejudice against the Jew, and yet everyone knows that there is not a class of people on earth who are more law-abiding than the Jews. They may make you sweat in a trade, but they

have sense enough to keep out of jail. During the present term of the Grand Jury, I do not recall that a single Jew has been charged with an offense of any kind, and neither did I see a Jew in any convict camp or the county jail, with the exception of Frank; and yet he, a leader of his race, a man of refinement and heretofore unblemished character; a man who has devoted much of his time to charities among his race, and the head of the principal Jewish organization in this city, can not be helped by the Jews because the public will say 'They know he is guilty, but want to save him.'"

**Should Have Consideration.**

"I do not claim that Frank is innocent, but I do claim that he should have the proper consideration at the hands of the public. No one knows absolutely that he committed the crime, and if he did not commit it, think of the horrible suffering he has undergone, and the heartaches of his wife and family, and also his race, who believe in his innocence. It is not my purpose to plead his case, other than to express an opinion as to his not being the degenerate that he has been pictured to the public, and I trust that he will yet receive a fair and just trial."

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**PDF PAGE 14, COLUMN 4**

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**GRAND  
JUROR IN**

# TALK WITH FRANK

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## Convinced After Long Conversa- tion That Prisoner Is Not Degenerate as Painted.

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# **SLATON CHECKS PARDON PLEA ONRUSH**

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**Governor Will Not  
Review Cases**

**Which Were  
Recently De-**

# cided by Predecessor.

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Governor Slaton, overwhelmed with applications of all sorts for executive clemency, has set his foot down hard upon indiscriminate petitioning for pardons, commutations, paroles and so on, and will consider hereafter no petition that has been paused upon by former Governor Brown within twelve months of its proposed reopening, save in extremely exceptional and extraordinary cases.

The Governor has been almost swamped since he assumed the Chief Magistracy of the State by an avalanche of applications for clemency.

He has tried in every way he could think of politely to stem the onrush, but with scant success thus far.

Every mall brings fresh applications, concerning matters all the way from simple larceny to red-handed murder.

Hereafter any case that has been up before Governor Brown within twelve months of its presentation to Governor Slaton will be peremptorily dismissed.

The present Governor has great faith in the fairness, ability and common sense of his immediate predecessor in office, and sees no reason why he (Slaton) should review cases already passed upon by Governor Brown. It will be the policy of the present administration, therefore, to give full faith and credit to the findings of Governor Brown in all cases hereafter coming up, and no attention whatever will be paid to cases that have been ruled upon by the former Governor within twelve months.

## **Few Exceptions Made.**

Of course, in cases involving absolutely and honestly discovered new evidence, extreme physical disability, and the

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like, exceptions may be made. But even then, the showing must be exact, definite and convincing immediately, both to the Prison Commission and the Executive.

“The matter of clemency is one of the most trying, as well as one of the most responsible prerogatives resting within the arbitrary pleasure of the Governor,” said Governor Slaton.

“It should not, and so long as I am Governor shall not, be exercised lightly; and it ought not to be asked lightly.”

“I wish to give every man and every matter coming before me a fair deal, and that I shall try to do, though the heavens fall. But it is not right to call upon the Governor unless the showing to be made is conscientiously ample, and unless the petitioner knows in his heart that clemency is honestly and sincerely in order.”

“If, say, a case was presented to Governor Brown six or eight months ago, and he after careful analysis and weighing of the facts, passed an order concerning it, why should this office now be asked to reopen the case, when the showing to be made is in no way different from the showing made before Governor Brown?”

### **Will Dismiss Petitions.**

“Hereafter, it shall be the policy of this office to dismiss applications coming within the limits of time set up—twelve months of the rulings of the former Governor.”

“Necessarily, the clemency power being arbitrary, I could not make this rule absolutely ironclad, but it shall be as nearly ironclad as my sense of duty and right can make it, and that means it will require extraordinary circumstances to make me vary from it.”

“Parties with petitions for clemency in their minds will do well to remember the foreign rule. As a matter of fact, it is a rule, and hereafter shall be an enforced rule of the Governor’s office.”

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# **Heavy Docket in Superior Court for Judge Ben Hill**

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Judge Ben Hill will take his place in the Fulton County Superior Court next Monday, and has notified Sheriff Mangum to have a jury drawn for that date. Coincident with him taking this place will be the swearing in of Judge L. S. Roan as a member of the Court of Appeals.

The appointments of Judge Hill to the Fulton County bench and of Judge Roan to the Court of Appeals were made two months ago, but assumption of duties was postponed on account of the

hearing of a month for a new trial for Leo M. Frank. Judge Roan held it was his duty to hear this motion.

Judge Hill's move in instructing Sheriff to draw a jury for him is taken as a certain indication that Judge Roan will make his decision on the Frank hearing this week.

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**PDF PAGE 18, COLUMN 1**

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**RECORDER BROYLES  
SEES**

**ABOLITION OF  
WHIPPING  
IN HOMES AND  
SCHOOLS**

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I am in favor of the rod only in cases of absolute necessity in the home.

I do not believe the rod should be tolerated at all in our schools.

If an offending child can be corrected without being whipped it is much better for both child and parent.

The rod is a relic of barbarism and is destined to be banished from our modern life.

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I must admit, however, that the time for its abolishment has not arrived. **-From Recorder Broyles Interview.**

Recorder Nash Broyles is strongly of the opinion that the day is not far distant when corporal punishment for children, both in the home and in school, will be regarded as barbarous, and when the training and correction of youngsters will be accomplished by precent and kind words.

The Recorder has closely studied the question of punishment for children for their varied petty offenses against the discipline of home, and has well defined views on this subject. He expressed these views Wednesday morning in an interview with The Georgian, advancing opposition to the flogging of children as a general proposition.

He referred to the rod as a relic of barbarism," and said he hoped to see the time come in his own day when in reality it would be a mere relic in every sense of the word. He added significantly, however, that this time has not arrived, and that there is yet place in modern, everyday life for this little instrument, regarding the offending juvenile as a pestiferous weapon of oppression.

### **Rod Sometimes Necessary.**

"I am in favor of the rod only in cases of absolute necessity," said Judge Broyles. "This applies to use in the home. I do not believe it should be tolerated at all in our schools."

"There are some instances of infractions of home rules that demand the rod. In some cases, it is not amiss, and, I believe tends to a better of home government. But, in my opinion, a child should not be trashed until kindlier and more humane methods have been thoroughly tested and have proved a failure."

"If an offending child can be corrected and shown the error of its way without being whipped, it is much better for both the child and the parents. In many instances, the rod serves only to terrify and cow the child, and install in it an unhealthy fear of its

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parents. Correction through love and kindness, I believe, is conducive to a much better development of the heart and disposition.”

“In my opinion, it is a mistake to permit corporal punishment in our schools. The teacher has other means by which she can correct a child rather than by the rod, I think a far severer punishment is to keep the child in the schoolroom during recess, while the other children are out in the fresh air romping and playing.”

### **Cites Own Experience.**

“At least, this is the way I felt about it when I was in school I didn’t mind a flogging near as much. The teacher also can impose demerits for any infraction of rules, and this is the moral dread of the average child because of the fear of the consequences at home.”

“If a child becomes so disobedient that a thrashing is the only thing that will suffice, the punishment should be placed in the hands of the parents. I don’t think the teacher should attempt to apply the rod. The teacher could write a note to the parents, explaining the offense of the child and recommending a shipping. If necessary, a rule could be adopted suspending the child until it is shown that the whipping has been administered.”

“The rod is nothing more than a relic of barbarism and is destined finally to be banished from our modern life. I hope to see the time come in my own day when it will not be necessary to flog children, when their plastic natures will yield to kindness, love, and precept—the real humane weapons of correction. I must admit at the same time, however, that this time is not yet here, and that the rod still is found necessary in certain instances.”

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# **GRAND JURY WILL INSPECT CONVICTS**

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**County Courts, Idle  
for Weeks,**

**Will Begin Grinding  
Again**

**Thursday.**

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The courthouse which has been quiescent all week is due for a busy day Thursday when the Grand Jury meets for its final session and when Judge Calhoun's division of the Criminal Court convenes after a three-day rest.

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A committee of the Grand Jury will visit several of the county institutions and convict camps Wednesday afternoon and make their report to the general session Thursday morning.

It is possible that the jury will make its report Thursday to Judge Ellis and be disbanded. Monday morning the new Grand Jury will be organized and will find plenty of work facing it.

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**PDF PAGE 30, COLUMN 3**

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# **PROMINENT MEN IN NEW GRAND JURY LIST**

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The Fulton County Grand Jury for the November term will be organized next Monday morning by Judge Ellis. It faces a heavy docket. Whether Judge Roan grants a new trial to Leo M. Frank or

not, Solicitor Dorsey and his assistant, E. A. Stephens, will forget that case for a while and busy themselves with cleaning up the cases which have developed during the time this famous trial has held the attention of the courts.

Thursday the present Grand Jury will meet to wind up its business and will be dismissed then or Friday morning. An effort is being made to have its report completed by Thursday.

The new Grand Jury list contains the names of many well-known business men of Atlanta, among them being William L. Peel, president of the American National Bank; Frank Weldon, real estate, and Robert F. Shedden and William F. Manry, prominent insurance men.

Following are the men from whom the Grand Jury will be selected:

B. F. Pim, C. L. Defoor, College Park; T. E. Camp, Bryants District; M. C. Strickland, W. F. Manry, Henry A. Coleman, Hapeville; John Aldridge; R. E. Richards, W. F. Patillo, W. C. Smith, No. 464 Luckie street; Sam D. Jones, Morton Smith, R. F. Shedden, J. M. Beasley, S. B. Scott, A. J. McCoy, East Point; J. T. Rose, Milton A. Smith, Charles C. Mayson, Buckhead; William L. Peel, Frank Weldon, J. D. Leitner, E. A. Hartscok, W. H. Mitchell, Oak Grove; W. T. Healey, Herbert M. Milam, C. J. Sullivan, Frank G. Lake, C. C. McGehee, Jr., and S. H. Venable.